

**BOARD OF COMMISSIONERS  
REGULAR MEETING  
315 WEST SECOND STREET  
FRANKFORT, KY 40601  
502/875-8500**

**November 24, 2008  
5:30 P.M. (EST)**

**1. INVOCATION**

Reverend Louis A. Newby, First Corinthian Baptist Church

**PLEDGE OF ALLEGIANCE**

John Hammond

**ROLL CALL**

**MINUTES**

October 27, 2008 Regular Meeting; November 10, 2008 Work Session

**MAYOR'S REPORT**

**2. CEREMONIAL ITEMS**

**3. ORDINANCES**

- 3.1 SECOND READING:** An Ordinance To Amend The City Of Frankfort's Code Of Ordinances – Chapter 152 – by amending the City of Frankfort's Zoning Regulations; Article 12-Minimum Off Street Parking Requirements – Sections 12.012, 12.043, 12.044, 12.046, 12.05, 12.052, 12.082, & 12.09 of the City of Frankfort's Zoning Ordinance.

**Purpose:** To amend the City's Zoning Ordinance as recommended by the Frankfort/Franklin County Planning Commission and the Zoning Update Committee by amending Article 12-Minimum Off Street Parking Requirements – Sections 12.012, 12.043, 12.044, 12.046, 12.05, 12.052, 12.082, & 12.09 of the City of Frankfort's Zoning Ordinance.

**Background:** Staff has been reviewing the parking requirements and determined that some minor changes are needed.

Similar to the South Frankfort district, and in an effort to provide more options, we would like to add pavers, brick and other acceptable semi-pervious material rather than limit parking to only concrete or asphalt for all districts.

Currently there is a section that basically states the use of any building can be changed and the parking that was existing does not have to be improved, added upon or meet any other standards, if you cannot fit the required spaces upon the same lot for the new use – regardless of how many parking spaces short the new use will be. This is a problematic section and promotes a much higher intense use than the site can or possibly should accommodate. Therefore, it is proposed to change this section by allowing an increased use of no more than 5 parking spaces, but if site has 5 or more spaces short for the new higher intensive use – then the site must provide all required spaces before a change of use can be approved or allowed.

Also amended is the section concerning wheel stops, and provided an incentive to install them when no curb exists, then the parking space (pavement area) could be reduced by 2' to count the 2' overhang of a vehicle over the grass.

Finally, the special vehicle parking in residential areas is amended to make consistent with current policies and will be amending the property maintenance code as well.

On July 23, 2008, the Zoning Update Committee reviewed the proposed text amendments and made suggested changes and additions and then recommended the proposed text amendment to be forwarded to the Planning Commission.

On September 11, 2008, the Frankfort/Franklin County Planning Commission held a public hearing, closed the public hearing, and requested a summary.

On October 9, 2008, the Frankfort/Franklin County Planning Commission removed the item from the table, approved the summary, and voted unanimously for approval to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendment.

This Ordinance had its first reading on October 27, 2008.

**Recommendation:** Approval

**Attachments:**

- Ordinance
- The report submitted to the Planning Commission
- Minutes of the September 11, 2008, and October 9, 2008 Planning Commission meeting

**Contact Person**

**Name:** Gary Muller  
**Title:** Director  
**Department:** Planning and Building Codes  
**Phone:** 502/875-8500  
**Email:** [gmuller@frankfort-ky.gov](mailto:gmuller@frankfort-ky.gov)

- 3.2 SECOND READING:** An Ordinance to amend the City of Frankfort's Code of Ordinances – Chapter 152 – by amending the City of Frankfort's Zoning Regulations - Article 13-Signage Requirements – Sections Table 13.2, Table 13.3, 13.19, & 13.283 of the City of Frankfort's Zoning Ordinance.

**Purpose:** To amend the City's Zoning Ordinance as recommended by the Frankfort/Franklin County Planning Commission and the Zoning Update Committee by amending Article 13-Signage Requirements – Sections Table 13.2, Table 13.3, 13.19, & 13.283 of the City of Frankfort's Zoning Ordinance.

**Background:** Staff has been reviewing the signage requirements and determined that some changes are needed.

1. It has come to our attention that no real incentive exists to promote monument signs over pole signs – therefore we have proposed some changes to these types of signs.
2. According to the City Attorney – the city cannot mandate the removal of existing non-conforming billboards by a date certain. Recommend removing the date certain timeframe.
3. Temporary signs are problematic and popping up nearly everywhere and there are often several on one site. It is recommended that rather than allowing as many as you can fit with 20' separation; we only allow one per site per street frontage. This will reduce all of the vendor provided signs, such as cigarette signs, beer signs, soda signs, lotto signs, check cash signs, and the like to only one per site.
4. We would like to provide a maximum square footage for construction signs.
5. We would like to specify that no interstate signage is allowed at any other interchange other than US 127 (Parkside has already been approved with a condition of a certificate of land use restriction that no interstate signs would be allowed). The purpose of this is to avoid the issue of interstate signs should additional property be annexed within the City near the interstate in the future.

On July 23, 2008, the Zoning Update Committee reviewed the proposed text amendments and made suggested changes and additions and then recommended the proposed text amendment to be forwarded to the Planning Commission.

On September 11, 2008, the Frankfort/Franklin County Planning Commission held a public hearing, closed the public hearing, and requested a summary.

On October 9, 2008, the Frankfort/Franklin County Planning Commission removed the item from the table, approved the summary, and voted 5–3 for approval to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendment, with the exception of not changing the square footage for “all other” freestanding signs.

This Ordinance had its first reading on October 27, 2008.

**Recommendation:** Approval

**Attachment:**

- Ordinance
- The report submitted to the Planning Commission
- Minutes of the September 11, 2008, and October 9, 2008 Planning Commission meeting

**Contact Person**

**Name:** Gary Muller  
**Title:** Director  
**Department:** Planning and Building Codes  
**Phone:** 502/875-8500  
**Email:** [gmuller@frankfort-ky.gov](mailto:gmuller@frankfort-ky.gov)

- 3.3 SECOND READING:** An ordinance to amend the City of Frankfort's Code of Ordinances – Chapter 150.05 – by amending the City of Frankfort's Property Maintenance Code; Section 302.9 Storage of Trailers.

**Purpose:** To amend the City's Property Maintenance Code Section 302.9 Storage of trailers, to make consistent with the amended City of Frankfort's Zoning Ordinance-Article 12.

**Background:** Since 2003, an internal policy has been enforced concerning the location allowed for trailers stored on properties in residential districts. The policy specifically allowed trailers to be located upon a paved driveway.

This ordinance codifies the internal policy and makes it consistent with the zoning regulations.

This Ordinance had its first reading on October 27, 2008.

**Recommendation:** Approval

**Attachment:**

- Ordinance

**Contact Person**

**Name:** Gary Muller  
**Title:** Director  
**Department:** Planning and Building Codes  
**Phone:** 502/875-8500  
**Email:** [gmuller@frankfort-ky.gov](mailto:gmuller@frankfort-ky.gov)

**3.4 SECOND READING:** An Ordinance amending Frankfort Code of Ordinances Chapter 40 Original Appointments; Application.

**Purpose:** To consider amending the ordinance regarding professional evaluation of Fire Department applicants.

**Background:** The current section of the ordinance provides for Police Officer applicants to be evaluated for fitness via a psychological examination and polygraph testing. The purpose of this amendment is to require the same type of evaluations for Fire Department applicants prior to hiring.

This Ordinance had its first reading on October 27, 2008.

**Financial Analysis:** Minimal cost will be incurred as a result of this proposed amendment.

**Recommendation:** Approval

**Attachment:**

- Ordinance

**Contact Person**

**Name:** Wallace Possich  
**Title:** Chief  
**Department:** Fire  
**Phone:** 502/875-8511  
**Email:** [wpossich@frankfort-ky.gov](mailto:wpossich@frankfort-ky.gov)

**3.5 SECOND READING:** An Ordinance appropriating the revenue to be received by the City of Frankfort for 2008 – 2009 Grant Funds.

**Purpose:** To appropriate the revenue to be received by the City of Frankfort for the 2008 - 2009 Grant Allocations from various grants totaling \$606,935.00.

**Background:** The City Commission authorized the City of Frankfort to apply for the various grants in early 2008. Grant announcements were recently made and the funds need to be appropriated into the budget.

This Ordinance had its first reading on October 27, 2008.

**Financial Analysis:** Grant funds totaling \$606,935.00 will be appropriated into the budget for the above referenced projects.

**Recommendation:** Approval

**Attachment:**

- Ordinance

**Contact Persons:**

|                    |  |  |
|--------------------|--|--|
| <b>Name:</b>       | Steve Dawson   | Rebecca Hall   |
| <b>Title:</b>      | Finance Director   | Grants Manager   |
| <b>Department:</b> | Finance Dept.  | City Manager   |
| <b>Phone:</b>      | 502/875-8500   | 502/875-8500   |
| <b>Email:</b>      | <a href="mailto:sdawson@frankfort-ky.gov">sdawson@frankfort-ky.gov</a> | <a href="mailto:rhall@frankfort-ky.gov">rhall@frankfort-ky.gov</a> |

**4. ORDERS**

- 4.1 An Order Amending Order No. 3, 2005 Series relating to procedures for meetings of the Frankfort Board of Commissioners.

**Purpose:** To Amend Order No. 3, 2005 Series relating to procedures for meetings of the Frankfort Board of Commissioners to designate the Thursday, December 11, 2008 meeting as the Regular Meeting of the Board of Commissioners at which action may be taken.

**Background:** The Board of Commissioners established a meeting schedule by ordinance. This meeting schedule needs to be revised in the month of December 2008, because the holidays conflict with the Regular Meeting. This deadline establishes December 11, 2008 as the Regular Meeting for December of 2008.

**Recommendation:** Approval

**Attachment:**  
▪ Order

**Contact person:**

**Name:** Ramona Newman  
**Title:** City Clerk  
**Department:** City Manager  
**Phone:** 502/875-8500  
**Email:** [newman@frankfort-ky.gov](mailto:newman@frankfort-ky.gov)

5. **RESOLUTIONS**  
None

6. **CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.*

- 6.1 To authorize an engineering contract award for the construction oversight of the oxygen ozone disinfection system at the Wastewater Treatment Plant (Sewer Department).

**Purpose:** The purpose of this item is to award a contract to Ozone Systems Services Group, Inc. (OSSGI) to provide technical services during construction of the liquid oxygen ozone disinfection system recently constructed at the Wastewater Treatment Plant.

**Background:** OSSGI has been providing technical assistance to the Sewer Department for the past several years for our existing ambient air ozone system and is very familiar with the operational functions of our system. Mr. Rehman, the President of the firm, has been involved in numerous ozone projects throughout the US. The contract will be for an amount not to exceed \$65,000 and will cover technical support during construction and startup of the ozone project.

**Financial Analysis:** Funds are available in Account No. 685.00.51100.

**Recommendation:** Approval

**Attachment:**  
▪ Proposal

**Contact Person**

**Name:** William R. Scalf, Jr., PE  
**Title:** Director

**Department:** Sewer  
**Phone:** 502/875-2448  
**Email:** [wscalf@frankfort-ky.gov](mailto:wscalf@frankfort-ky.gov)

- 6.2** Add funding to Engineering Services Agreement with DLZ Kentucky, Inc. for professional services related to the Sewer Department Wet Weather Program and the recently negotiated Consent Judgment with the Kentucky Energy and Environment Cabinet. (Sewer Department)

**Purpose:** To increase funding to DLZ Kentucky, Inc. for professional services related to the Sewer Department Wet Weather Program and the recently negotiated Consent Judgment with the Kentucky Energy and Environment Cabinet.

**Background:** In June 2007 the City entered into a contract with DLZ Kentucky to provide professional engineering services related to the Sewer Department Wet Weather Program and the recently negotiated Consent Judgment with the Kentucky Environmental and Public Protection Cabinet. The additional funds will be used in a variety of tasks to assist the Sewer Department in executing projects, managing tasks and assist with scheduling. The additional funding, in the amount not to exceed \$250,000 will be used for the 2009 calendar year.

**Financial Analysis:** Funds are available in Account No. 300.68.54390.

**Recommendation:** Approval

**Attachments:** None

**Contact Person**

**Name:** William R. Scalf, Jr., PE  
**Title:** Director  
**Department:** Sewer  
**Phone:** 502/875-2448  
**Email:** [wscalf@frankfort-ky.gov](mailto:wscalf@frankfort-ky.gov)

- 6.3** To authorize the Mayor to sign a Letter of Agreement with the Kentucky Heritage Council on behalf of the City of Frankfort to accept three Lincoln Heritage Trail Interpretive Signs, to have them placed on City property and accessible to the public. The Letter also indicates that the City agrees to maintain the signs (Parks and Recreation, and Grants Manager).

**Purpose:** The purpose of this item is to consider authorizing the Mayor to sign a Letter of Agreement with the Kentucky Heritage Council on behalf of the City of Frankfort to accept three Lincoln Heritage Trail Interpretive Signs, to have them placed on City property and accessible to the public. The Letter also indicates that the City agrees to maintain the signs.

**Background:** The United States Congress and the Kentucky Legislature created Abraham Lincoln Bicentennial Commissions with a goal to commemorate the 200<sup>th</sup> birthday of Abraham Lincoln. As a member of the Kentucky Commission, the Kentucky Heritage Council obtained a grant from the Kentucky Transportation Cabinet to create a Lincoln Heritage Trail. This grant included 28 interpretive signs to be placed in communities throughout the Commonwealth. As a result of working with Frankfort/Franklin County Tourists and Convention Commission and representatives of the City's Parks, Recreation and Historical Sites Department, three of the signs have been designated for the Frankfort area, two at Fort Hill and one at the Gooch House. The Letter of Agreement with the Kentucky Heritage Council will ensure that the signs are installed and maintained by the City. Frankfort's Parks, Recreation and Historical Sites will be responsible for these duties according to Steve Brooks, Director,

**Financial Analysis:** The Interpretive Signs were created with a grant from the Transportation Cabinet and the City will not incur any cost for them. The City will install and maintain the signs at its own costs. This can be done with City employees and equipment.

**Attachments:**

- Letter of Agreement
- Sample of the Interpretive Signs

**Contact Persons:**

|                    |  |  |
|--------------------|--|--|
| <b>Name:</b>       | Steve Brooks   | Rebecca Hall   |
| <b>Title:</b>      | Director   | Grants Manager   |
| <b>Department:</b> | Parks, Rec., & Historical Sites  | City Manager   |
| <b>Phone:</b>      | 502/352-2029   | 502/875-8500   |
| <b>Email:</b>      | <a href="mailto:sbrooks@frankfort-ky.gov">sbrooks@frankfort-ky.gov</a> | <a href="mailto:rhall@frankfort-ky.gov">rhall@frankfort-ky.gov</a> |

**6.4** To approve 2009 Season Pass Rates and Daily Fee Rates for Juniper Hill Golf Course (Golf).

**Purpose:** To establish the 2009 Season Pass Rates and Daily Fee Rates for Juniper Hill Golf Course.

**Background:** The 2008 Season pass and daily rates were kept the same as 2007. Frankfort was and still is in an extremely competitive and difficult golf market. The goal for the 2008 season was to maintain the same fee structure and work on better golf course conditioning and improved customer service and thereby increase our play and revenue by 10 %. With several notable factors moving in our favor, we are in the process of increasing revenue for the 2008 calendar year over 30% from 2007 totals. In addition, with careful daily attention to detail, the golf course maintenance program was able to dramatically reduce expenses resulting in even more gains for the golf operation.

With this type of momentum now moving the golf operation forward and with difficult national and local economic conditions facing us we are proposing to maintain the same season pass and daily fee structure for the 2009 golf season. We hope to continue golf course and golf operation improvements and use this to continue the upward movement in the number of players, amount of revenue, and golfer satisfaction.

**Financial Analysis:** By maintaining season pass and daily rates the same, it is hoped this will allow us to at the very least maintain 2008 play and revenue totals despite economic concerns, and at the best to increase play and revenue totals 3% - 5%.

**Recommendation:** Approval

**Attachments:**

- Proposed 2009 Season Pass and Daily Fee Rates
- 2006-2008 Juniper Hill Golf Course financial comparisons

**Contact Person:**

|                    |  |
|--------------------|--|
| <b>Name:</b>       | Kirk Schooley  |
| <b>Title:</b>      | Juniper Hill Golf Professional   |
| <b>Department:</b> | Golf   |
| <b>Phone:</b>      | 502/875-8559   |
| <b>Email:</b>      | <a href="mailto:kschooley@frankfort-ky.gov">kschooley@frankfort-ky.gov</a> |

**6.5** To authorize contract award and enter into an agreement with Alpha Environmental Contracting Inc. to conduct Asbestos Removal for five houses associated with the HOME Holmes Street Rehabilitation Project (Grants Manager).

**Purpose:** The purpose of this item is to authorize the signing of the contract and to authorize the Mayor to enter into an agreement with Alpha Environmental Contracting Inc. to provide Asbestos Removal for five houses associated with the HOME Holmes Street Rehabilitation Project for the City for the amount not to exceed \$6,610.

**Background:** HOME Consultant Kriss Lowry and Associates, Inc. received bids for Asbestos Removal for five houses associated with the Holmes Street Project and Alpha Environmental Contracting Inc. had the winning bid. The contract for services will be submitted to Rob Moore, City Attorney for review.

**Financial Analysis:** A portion of the funds for the contract are available in the HOME funding from the Kentucky Housing Corporation. The remainder will be used from General Fund Accounts 625 (Revolving Loan Fund), 550 (Frankfort Rental Rehab) and/or 540 (Frankfort Housing Corporation) as approved by the Commission at the September 24, 2007 regular meeting.

**Recommendation:** Approval

**Attachment:**

- Bid Analysis
- Draft contract

**Contact Persons**

|                    |  |  |
|--------------------|--|--|
| <b>Name:</b>       | Rebecca Hall   | Rob Moore  |
| <b>Title:</b>      | Grants Manager   | City Solicitor   |
| <b>Department:</b> | City Manager   | City Manager   |
| <b>Phone:</b>      | 502/875-8500   | 502/227-2271   |
| <b>Email:</b>      | <a href="mailto:rhall@frankfort-ky.gov">rhall@frankfort-ky.gov</a> | <a href="mailto:rmoore@hazelcox.com">rmoore@hazelcox.com</a> |

- 6.6** To approve the Parks, Recreation, and Historic Sites Rates schedule for 2008 (Parks, Recreation and Historic Sites).

**Purpose:** To approve the rates schedule for the Parks, Recreation, and Historic Sites Department for the 2009 season.

**Background:** At the October 20, 2008 Parks, Recreation, and Historic Sites Advisory Board meeting, it was recommended that pool rentals should increase from \$40 per hour to \$55 per hour with a two-hour minimum, increase public swim lessons from \$35 to \$45 per two-week session, increase the fee for the Frankfort Area Swim Team from \$750 to \$1,000 per season, increase the fee for day Care from \$1 per child to \$1.50 per child, increase the admission price from \$2 to \$3 per person, and increase ticket booklets from \$45 to \$75 per booklet of 30 passes. The department has not had a rate increase at the swimming pools in ten years. It was also recommended that the Jack Williams Pavilion reservation fee be increased from \$50 to \$75, Downtown Walking Tours be increased from \$3 to \$5 for adults, with children 12 and under still free, and that the Murder and Mayhem Tours be increased from \$7.50 to \$10 per person. All other rates will remain the same as in 2008.

**Financial Analysis:**

**Recommendation:** Approval

**Attachment:**

- Rate schedules for past five years

**Contact Person**

|                    |  |
|--------------------|--|
| <b>Name:</b>       | Steve Brooks   |
| <b>Title:</b>      | Director   |
| <b>Department:</b> | Parks, Recreation, and Historic Sites                                  |
| <b>Phone:</b>      | 502/875-8575   |
| <b>Email:</b>      | <a href="mailto:sbrooks@frankfort-ky.gov">sbrooks@frankfort-ky.gov</a> |



- 6.7** To authorize Amendment Number 1 to the Engineering Agreement with Lee Engineering, LLC and Cann-Tech, LLC for engineering services associated with the Indian Hills Sewer Extension – SEP #1 (Sewer Department).

**Purpose:** To authorize Amendment Number 1 to the Engineering Agreement with Lee Engineering, LLC and Cann-Tech, LLC for engineering services associated with the Indian Hills Sewer Extension – SEP #1. This amendment covers Bid documents, Construction Administration, As-Built Drawings, Public Meetings and Easement Acquisition.

**Background:** As part of the Consent Judgment, the Sewer Department is required to sewer a portion of Indian Hills that is currently unsewered. The original agreement with Lee/Cann-Tech covered only design services.

The total contract amount is summarized below:

|                   |    |                  |
|-------------------|----|------------------|
| Original Contract | \$ | 4,500.00         |
| Amendment # 1     |    | <u>27,340.00</u> |
| Revised Contract  | \$ | 31,840.00        |

**Financial Analysis:** Funds are available in Account No. 685.00.51100.

**Recommendation:** Approval

**Attachment:**

- Amendment No. 1 (to be provided)

**Contact Person**

**Name:** William R. Scalf, Jr., PE  
**Title:** Director  
**Department:** Sewer  
**Phone:** 502/875-2448  
**Email:** [wscalf@frankfort-ky.gov](mailto:wscalf@frankfort-ky.gov)

- 6.8** To authorize a Backflow Agreement with Patricia and Jonathan MacDonald for a property located at 118 Linden Avenue, Frankfort, Kentucky (Sewer Department).

**Purpose:** The purpose of this item is to consider approval of a Backflow Agreement with Patricia and Jonathan MacDonald for a property located at 118 Linden Avenue, Frankfort, Kentucky.

**Background:** The property located at 118 Linden Avenue has had several backups during high intensity rain events. Installation of the backflow valve will reduce the risk of future backups in the home. After approval, the Agreement will be filed in the Franklin County Courthouse and the homeowner is responsible for all future maintenance of the valve. The homeowner is required to obtain 3 quotes from licensed plumbers and the City will reimburse the homeowner for the lowest quote.

**Financial Analysis:** Funds are available in Account No. 400.68.55465.

**Recommendation:** Approval

**Attachment:**

- Backflow Agreement

**Contact Person**

**Name:** William R. Scalf, Jr., PE  
**Title:** Director

**Department:** Sewer  
**Phone:** 502/875-2448  
**Email:** [wscalf@frankfort-ky.gov](mailto:wscalf@frankfort-ky.gov)

| <b>6.9</b> | <b><u>Personnel Action</u></b> | <b><u>Employee</u></b> | <b><u>Department</u></b> | <b><u>Date</u></b> | <b><u>Other</u></b>   |
|------------|--------------------------------|------------------------|--------------------------|--------------------|---|
|            | <b>Appointment</b>             | Bobby Ripy             | IT                       | 01-09-09           | GIS Technician  |
|            | <b>Retirement</b>              | Scott Morgan           | Fire                     | 11-30-08           | Training Officer; authorize payment of all accrued time as of effective date. |

**Attachment:**

- Retirement notice from Scott Morgan

**Contact Person**  
**Name:** Tammy Fields  
**Title:** HR Assistant  
**Department:** City Manager  
**Phone:** 502/875-8500  
**Email:** [tfields@frankfort-ky.gov](mailto:tfields@frankfort-ky.gov)

7. BOARD APPOINTMENTS
8. OLD BUSINESS
9. NEW BUSINES
- 10 CITIZEN COMMENTS
11. COMMISSIONER COMMENTS
12. ADJOURNMENT